

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JEFF AND TANYA YATES,

Plaintiffs,

vs.

TOWER HILL SIGNATURE INSURANCE
COMPANY AND CHARLES NORTON,

Defendants.

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CIVIL ACTION NO. 4:19-cv-4098

**DEFENDANTS, TOWER HILL SIGNATURE INSURANCE COMPANY AND
CHARLES NORTON'S NOTICE OF REMOVAL**

Defendants Tower Hill Signature Insurance Company and Charles Norton ("Defendants") file their Notice of Removal of this action from the 190th Judicial District Court of Harris County Texas to the United States District Court for the Southern District of Texas, Houston Division, the District and Division encompassing the state court in which this action is pending. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446. In support hereof, Defendants show this Court as follows:

I. THE STATE COURT ACTION

1. On September 16, 2019, Jeff and Tanya Yates ("Plaintiffs") filed their Original Petition in a pending case in the 190th Judicial District Court of Harris County, Texas, styled *Jeff and Tanya Yates vs. Tower Hill Signature Insurance Company and Charles Norton*, Cause No. 201967196.

II. NOTICE OF REMOVAL IS TIMELY

2. On September 24, 2019, Defendant Tower Hill Signature Insurance Company and Charles Norton were served with a citation and the Plaintiff's Original Petition. Accordingly,

Defendants file this Notice of Removal within the 30-day time frame required by 28 U.S. C. § 1446(b).

III. VENUE IS PROPER

3. Venue is proper in this District under 28 U.S.C. § 1441(a) because the state court where the action has been pending is in this District.

IV. BASIS FOR REMOVAL JURISDICTION

A. Citizenship of the Parties

4. Plaintiffs are individuals who reside in and/or own property in Harris County, Texas. Defendant, Tower Signature Insurance Company is an insurance company organized under the laws of the State of Florida, with its principal place of business in Gainesville, Florida. Charles Norton is an insurance adjuster whose principal place of business is in Lexington, Kentucky.

5. Accordingly, there is now, and was at the time of the filing of Plaintiffs' Original Petition, complete diversity of citizenship between Plaintiffs and Defendants.

B. Amount in Controversy

6. Plaintiffs do not allege an amount of damages in their Plaintiffs' Original Petition filed September 16, 2019. However, in their Original Petition, Plaintiffs allege damages in excess of \$200,000.00, but no more than \$1,000,000.00 against Defendants, exclusive of interest, cost and attorneys' fees. [Plaintiff's Original Petition at p.2 ¶ 6.] Therefore, it is facially apparent that Plaintiffs' claim exceeds \$75,000, exclusive of interest, costs, and attorney's fees, and Plaintiffs' burden to establish that the amount in controversy exceeds this Court's jurisdictional threshold is satisfied.

7. Because there is complete diversity among the parties and the amount in controversy requirement is satisfied, this Court has jurisdiction pursuant to 28 U.S.C. § 1332(a). Removal is therefore proper.

V. COMPLIANCE WITH LOCAL RULE CV-81

8. In accordance with Local Rule CV-81, attached are the following:

Exhibit A: A copy of the state court docket sheet and;

Exhibit B: List of Counsel of Record

Exhibit C: An index of all documents filed in the state court with certified copies of filings marked Exhibits C1-C7, respectively,

VI. CONCLUSION

9. Defendants will promptly file a copy of this Notice of Removal with the clerk of the state court where the action is pending.

10. Therefore, Defendants hereby provide notice that this action is duly removed.

WHEREFORE, Defendants requests that this action be removed from the 190th District Court of Harris County, Texas, to the United States District Court for the Southern District of Texas, Houston Division, and that this Court enter such further orders as may be necessary and appropriate.

Respectfully submitted,

By: /s/ Eric K. Bowers

Eric K. Bowers
(Attorney-In-Charge)
Texas Bar No. 24045538
Southern District Bar No. 658370
ebowers@zelle.com

ZELLE LLP
901 Main Street, Suite 4000
Dallas, TX 75202-3975
Telephone: 214-742-3000
Facsimile: 214-760-8994
**ATTORNEYS FOR DEFENDANT'S
TOWER HILL SIGNATURE
INSURANCE COMPANY and
CHARLES NORTON**

CERTIFICATE OF SERVICE

This is to certify that the foregoing was electronically served upon parties of record by using the electronic document filing and management system, this 22nd day of October 2019, as follows:

Andrew A. Woellner
THE POTTS LAW FIRM, LLP
3737 Buffalo Speedway, Suite 1900
Houston, TX 77098
Telephone: 713-963-8881
Facsimile: 713-574-2938
Email: awoellner@potts-law.com
ATTORNEY FOR PLAINTIFF'S

/s/ Eric K. Bowers
Erick K. Bowers